

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application: : Group Art Unit: **2862**  
**Richard Allen Venable** :  
:  
Serial Number: **09/450,037** : Examiner: **Snow, Walter E.**  
:  
Filed: **11/29/1999** : Confirmation No.: **7060**  
:  
Title: **Planishing Apparatus And Method** : Attorney Docket No.: **ZW-24B**  
:  
:

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I certify that this correspondence is being transmitted electronically to the United States Patents and Trademark Office on January 22, 2009.

/Sherri A Rose/  
Sherri A. Rose

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Sir:

Applicants hereby petition under 37 CFR 1.181 and MPEP 711.03(c) for withdrawal of the holding of abandonment of the subject patent application based upon the failure to receive the Notice of Allowance and Fee(s) Due mailed on March 11, 2002.

**STATEMENT:**

1. The subject patent application was filed on behalf of the Applicants by the undersigned attorney, on November 29, 1999. The application transmittal papers stated the undersigned attorney's correspondence address as:

William H. Meise  
Patent Operation  
Lockheed Martin Corporation  
314B – Bldg. 28  
P.O. Box 8048  
Philadelphia, PA 19101.

2. On May 22, 2000, the undersigned attorney filed a "Change Of Address" (the first address change request), which requested that all future correspondence in the subject application be mailed to the following address (the King of Prussia Lockheed Martin correspondence address):

W. H. Meise  
Lockheed Martin Corporation  
608 – Bldg. 27  
P.O. Box 1561  
King of Prussia, PA 19406.

A copy of the first address change request is submitted herewith.

3. On January 04, 2002, the undersigned attorney filed a "Change Of Attorney Or Agent's Address In Application" (the second address change request) and a corresponding post card receipt. The second address change request requested that all correspondence for the application be mailed to the address associated with customer number 28581 (the Duane Morris correspondence address). A copy of the second address change request and a copy of the post card receipt stamped by USPTO on February 11, 2002, are submitted herewith. The correspondence address associated with customer number 28581 on January 04, 2002 was:

Duane Morris LLP  
100 College Road West Suite 100  
Princeton, NJ 08540.

4. A search of the file jacket of the subject patent application was made on or about June 27, 2008, which revealed that no further USTPO correspondence had been received in the subject application after receipt of the post card receipt stamped by the USPTO on February 11, 2002.

5. On or about June 27, 2008, the undersigned attorney's legal assistant, Janet Knorr-Stonska (Stonska), attempted to conduct a search on the Patent Application Information Retrieval (PAIR) system to determine the status of the subject application, but was denied access thereto.

6. In order to gain access to the subject application on the PAIR system, the undersigned attorney filed by facsimile transmission a "Change Of Correspondence Address" (the third address change request) on June 27, 2008, which again requested that all correspondence for the application be mailed to the address associated with customer number 28581 (the Duane Morris correspondence address), which is currently Duane Morris LLP, P.O. Box 5203, Princeton, NJ 08543-5203. A copy of the third address change request is submitted herewith.

7. Sometime after June 27, 2008, Stonska attempted to conduct a search on the PAIR system for the subject application to determine the current status thereof, but was again denied access thereto.

8. On December 22, 2008, the undersigned attorney had a search conducted on the PAIR system under the subject patent application, which uncovered a "Mail Notice Of Allowance" transaction description (the Notice of Allowance) with a date of March 11, 2002, and a "Mail Abandonment For Failure to Pay Issue" transaction description (the Notice of Abandonment) with a date of July 19, 2002, in the subject application's Transaction History. The Notice of Allowance and the Notice of Abandonment were not available in the image file wrapper of the subject application.

9. On January 16, 2009, the undersigned attorney obtained copies of the Notice of Allowance and the Notice of Abandonment, to determine the reason for the non-receipt of these papers.

10. The review of the Notice of Allowance has revealed that this paper was incorrectly addressed to:

W.H. Meise  
Duane Morris LLP  
100 College Road West Suite 100  
**King Of Prussia, PA 19406**

and not the undersigned attorney's Duane Morris correspondence address of record, i.e.:

W.H. Meise  
Duane Morris LLP  
100 College Road West Suite 100  
**Princeton, NJ 08540.**

A copy of the Notice of Allowance is submitted herewith.

11. The review of the Notice of Abandonment has revealed that this paper was incorrectly addressed to:

W.H. Meise  
Duane Morris LLP  
100 College Road West Suite 100  
**King Of Prussia, PA 19406**

and not the undersigned attorney's Duane Morris correspondence address of record, i.e.:

W.H. Meise  
Duane Morris LLP  
100 College Road West Suite 100  
**Princeton, NJ 08540.**

A copy of the Notice of Abandonment is submitted herewith.

12. Accordingly, the search of the file jacket referred to in paragraph 4, did not reveal the Notice of Allowance (mail date March 11, 2002) or the Notice of Abandonment (mail date July 19, 2002).

13. A copy of the firm's master docket showing non-receipt of the Notice of Allowance and Notice of Abandonment is not available because the docketing system utilized at the time these papers would have been received is no longer in use. The subject application was transferred to the current docketing system on or about February 16, 2004. In any case, such evidence does not appear to be necessary to show non-receipt of these documents at the undersigned attorney's

correspondence address of record because the incorrect correspondence address on each of these papers clearly establishes non-receipt of same at the undersigned attorney's correspondence address of record.

14. This petition is believed to be timely under 37 CFR 1.181 (f), as it has been filed within two months of the actual notice of the Notice of Abandonment obtained from PAIR on December 22, 2008.

15. In view of the foregoing, the Applicants hereby respectfully request withdrawal of the holding of abandonment of the subject patent application and re-mailing of the Notice of Allowance.

16. No fee is believed to be due as a result of this communication. The Commissioner is hereby authorized to charge any other fees which may be required or credit any overpayment to Deposit Account No. 04-1679.

Respectfully submitted,

Date: January 22, 2009

/William H. Meise/

William H. Meise

Registration No. 27,574

DUANE MORRIS LLP  
P.O. Box 5203  
Princeton, NJ 08543-5203  
Direct Telephone: 609.631.2453

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Richard Allen Venable et al.

Serial No.: 09/450,037

Filed: 11/29/99

Title: **PLANISHING APPARATUS AND METHOD**

Art Unit: 2736

**CHANGE OF ADDRESS**

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

Please change the mailing address and **ADDRESS ALL FUTURE CORRESPONDENCE TO:**

**W. H. Meise  
LOCKHEED MARTIN CORPORATION  
608 – Bldg. 27  
P. O. Box 1561  
King of Prussia, PA 19406**

and change the telephone number to:

(610) 992-6972

Respectfully submitted,

Richard Allen Venable et al.

BY:

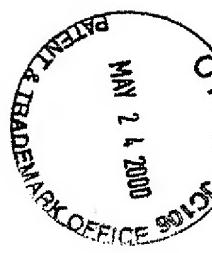
William H. Meise  
William H. Meise  
Attorney for Applicant(s)  
Registration No. 27,574

May 22, 2000

Patent Operation  
**Lockheed Martin Corporation**  
608 – Bldg. 27  
P. O. Box 1561  
King of Prussia, PA 19406  
(610) 992-6972

The following action was received in the U.S. Patent & Trademark Office on the date stamped below:

Action: Change of Address  
Docket: ZL-24B  
Serial #: 09/450,037  
Filed: 11/29/99  
Title: Planishing Apparatus and Method  
Inventor(s): Venable et al.



**Change Of Attorney Or Agent's Address In Application  
(37 CFR 1.8(a))**

Docket No.

ZW-24B

In Re Application Of: Venable et al.

Serial No. 09/450,037	Filing Date 11/29/99	Examiner Walter Snow	Group Art Unit 2862
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Invention: PLANISHING APPARATUS AND METHOD

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**

Please send all correspondence for this application to:

The address associated with customer number 28581



Please direct all telephone calls to:

William H. Meise  
609-919-4453



A handwritten signature of "William H. Meise" is written over a horizontal line.

*Signature of Attorney or Agent of Record*

William H. Meise  
Reg. No. 27,574  
Duane Morris LLP  
100 College Road West, Suite 100  
Princeton, NJ 08540  
609-919-4453  
fax 609-919-4401

*Registration Number & Address of Attorney or Agent of Record*

Dated: January 4, 2002

I certify that this document is being deposited on  
1/4/02 with the U.S. Postal Service as first  
class mail under 37 C.F.R. 1.8 and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C.  
20231.



A handwritten signature of "Susan Barlett" is written over a horizontal line.

*Signature of Person Mailing Correspondence*

Susan Barlett

*Typed or Printed Name of Person Mailing Correspondence*

U.S. PATENT AND TRADEMARK OFFICE

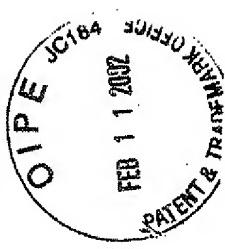
In re: Patent Appln. SN 09/450,037

Docket No.: ZW-24B

Filed: 11/29/99

Title: PLANISHING APPARATUS AND METHOD

The USPTO acknowledges and has stamped hereon the date of receipt  
of the following items: ATTORNEY CHANGE OF ADDRESS;  
POSTCARD.



WHM/sb  
PH1873798.1

1/4/02

Auto-reply fax to 6096312401 COMPANY:

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 6096312401

Fax Information  
Date Received:  
Total Pages:6/27/2008 1:33:52 PM [Eastern Daylight Time]  
2 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

06/27/2008 1:35 FAX 6096312401	DOANE MORRIS LLP	001/002
Attorney Docket No.: ZW-24B		
<b>FACSIMILE COVER SHEET &amp; CERTIFICATE OF FACSIMILE TRANSMITTAL</b>		
Date: June 27, 2008		
Total Number of Pages (including this cover sheet): 2		
Please deliver the following to:		
Honorable Commissioner of Patents and Trademarks Alexandria, VA 22313		
Facsimile Number: (571)273-8300		
From: Dunne Morris LLC PO Box 5203 Princeton, NJ 08543		
<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b>		
I hereby certify that this paper for Serial No. 09/450,037 is being facsimile transmitted to the Patent and Trademark Office Facsimile Number (571)273-8300 on the date shown below.		
Name Janet Knott-Stonska		
<u>Janet Knott-Stonska</u>		Date: June 27, 2008
Signature		
If you did not receive all pages please call: Telephone No. (609) 631-2429		
WS1007814X.1		

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

TX/RX NO	0935
RECIPIENT ADDRESS	915712738800
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TIME USE	00'24
PAGES SENT	2
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Attorney Docket No.: ZW-24B

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Date: June 27, 2008

Total Number of Pages (including this cover sheet): 2

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Alexandria, VA 22313

Facsimile Number: (571)273-8300

From: Duane Morris LLC  
PO Box 5203  
Princeton, NJ 08543

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper for Serial No. 09/450,037 is being facsimile transmitted to the Patent and Trademark Office Facsimile Number (571)273-8300 on the date shown below.

Name Janet Knorr-Stonska

Janet Knorr-Stonska  
Signature

Date: June 27, 2008

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**CHANGE OF  
CORRESPONDENCE ADDRESS**  
*Application*

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/450,037
Filing Date	November 29, 1999
First Named Inventor	Venable
Art Unit	2862
Examiner Name	Walter Snow
Attorney Docket Number	ZW-24B

Please change the Correspondence Address for the above-identified patent application to:

The address associated with  
Customer Number:

28581

**OR**

Firm or  
Individual Name

Address

City

State

Zip

Country

Telephone

Email

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- Applicant/Inventor
- Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- Attorney or agent of record. Registration Number 27,574
- Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_

Signature

*William H. Meise by Won Joon Kwon (Reg. No. 42,763)*

Typed or Printed

Name William H. Meise, Reg. No. 27,574

Telephone 609-631-2453

Date June 27, 2008

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**FACSIMILE COVER SHEET &  
CERTIFICATE OF FACSIMILE TRANSMITTAL**

**Date:** June 27, 2008

**Total Number of Pages (including this cover sheet):** 2

**Please deliver the following to:**

Honorable Commissioner of Patents and Trademarks  
Alexandria, VA 22313

**Facsimile Number:** (571)273-8300

**From:** Duane Morris LLC  
PO Box 5203  
Princeton, NJ 08543

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper for Serial No. 09/450,037 is being facsimile transmitted to the Patent and Trademark Office Facsimile Number (571)273-8300 on the date shown below.

Name Janet Knorr-Stonska

Janet Knorr-Stonska  
Signature

Date: June 27, 2008

If you did not receive all pages please call: Telephone No. (609) 631-2429



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 03/11/2002

W. H. MEISE  
DUANE MORRIS LLP  
100 COLLEGE ROAD WEST SUITE100  
KING OF PRUSSIA, PA 19406

EXAMINER

SNOW, WALTER E

ART UNIT	CLASS-SUBCLASS
2862	324-067000

DATE MAILED: 03/11/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,037	11/29/1999	RICHARD ALLEN VENABLE	ZW-24B	7060

TITLE OF INVENTION: PLANISHING APPARATUS AND METHOD

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
1	nonprovisional	NO	\$1280	\$0	\$1280	06/11/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-8SB (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:  
A. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or  
B. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

**PART B - FEE(S) TRANSMITTAL**

Complete and mail this form, together with applicable fee(s), to:

Box ISSUE FEE  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**MAILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590 03/11/2002

Note: The certificate of mailing below can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

W. H. MEISE  
DUANE MORRIS LLP  
100 COLLEGE ROAD WEST SUITE 100  
KING OF PRUSSIA, PA 19406

**Certificate of Mailing**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,037	11/29/1999	RICHARD ALLEN VENABLE	ZW-24B	7060

TITLE OF INVENTION: PLANISHING APPARATUS AND METHOD

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
1	nonprovisional	NO	\$1280	\$0	\$1280	06/11/2002

EXAMINER	ART UNIT	CLASS-SUBCLASS
SNOW, WALTER E	2862	324-067000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

"Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent)  individual  corporation or other private group entity  government

4a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

Issue Fee

A check in the amount of the fee(s) is enclosed.

Publication Fee

Payment by credit card, Form PTO-2038 is attached.

Advance Order - # of Copies \_\_\_\_\_

The Commissioner is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, United States Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington, D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE(S)



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

12

DATE MAILED:

This is a communication from the examiner in charge of this application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

**NOTICE OF ALLOWABILITY**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

This communication is responsive to amendment for late 1/23/02.

The allowed claim(s) is/are 17.

The drawings filed on 2/4/02 are acceptable as formal drawings.

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

All  Some\*  None of the:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received:

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE FOR SUBMITTING NEW FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION. This three-month period for complying with the REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL is extendable under 37 CFR 1.136(a).

Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.

Applicant MUST submit NEW FORMAL DRAWINGS

because the originally filed drawings were declared by applicant to be informal.

including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. \_\_\_\_\_.

including changes required by the proposed drawing correction filed on \_\_\_\_\_, which has been approved by the examiner.

including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings.

Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this notice should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for the Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

WALTER E. SNOW  
PRIMARY EXAMINER



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,037	11/29/1999	RICHARD ALLEN VENABLE	ZW-24B	7060
7590	03/11/2002		EXAMINER	
			SNOW, WALTER E	
			ART UNIT	PAPER NUMBER
			2862	
DATE MAILED: 03/11/2002				

Determination of Patent Term Extension under 35 U.S.C. 154 (b)  
(application filed after June 7, 1995 but prior to May 29, 2000)

The patent term extension is 0 days. Any patent to issue from the above identified application will include an indication of the 0 day extension on the front page.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)



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EXAMINER

SNOW, WALTER E

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2662	

DATE MAILED: 07/19/2002

P# 14

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/450, 037

EXAMINER

ART UNIT	PAPER NUMBER
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P # 14

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper response to the Office letter mailed on \_\_\_\_\_.
- A response (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for response (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- A proposed response was received on \_\_\_\_\_, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- No response has been received.
- Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- The issue fee (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_.
- The submitted issue fee of \$\_\_\_\_\_ is insufficient. The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_.
- The issue fee has not been received.
- Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- Proposed new formal drawings (with a Certificate of Mailing or Transmission of \_\_\_\_\_) were received on \_\_\_\_\_.
- The proposed new formal drawings filed \_\_\_\_\_ are not acceptable.
- No proposed new formal drawings have been received.
- The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on \_\_\_\_\_.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:

ABANDONMENT  
CONTACT PERSON IS  
TOM HAWKINS  
305-8380